



## **MINUTES**

City Council Regular Meeting  
August 2, 2021 - 7:00 PM

### **CALL TO ORDER**

Mayor Rudy called the meeting to order at 6:59 p.m.

### **PLEDGE**

### **ROLL CALL**

Mayor:	Brian Rudy
Mayor Pro-Tem:	Mark Clark
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle
	Tammy Mortenson

### **PROCLAMATION**

#### **1. National Night Out 2021**

Mayor Rudy read the proclamation aloud and proclaims August 3, 2021 as National Night Out in the City of Evans. He then presented the Proclamation to Rick Brandt, Evans Police Chief.

#### **2. National Health Center Week 2021**

Mayor Rudy read the proclamation aloud and proclaims August 8-14, 2021 as National Health Center Week in the City of Evans. He then presented the Proclamation to Fatima Groom, Sunrise Community Health.

### **AUDIENCE PARTICIPATION**

Mark Dunnohew, 3132 39<sup>th</sup> Avenue, Evans, CO, advised Council of a traffic issue of vehicles speeding on 34<sup>th</sup> Street, which turns into 32<sup>nd</sup> Street, and asked for the City to do something by either installed stops signs or speed bumps.

John Duesing, 3136 39<sup>th</sup> Avenue, Evans, CO, is also concerned about the speeding in the neighborhood and would like to see stop signs or speed bumps installed.

Fernando Miramuntes, President, Fraternal Order of Police Lodge 64, thanked Council for their support of the Evans Police.

Mark Habelger, 3133 Sante Fe Court, Evans, CO, is also concerned about the speeding in the neighborhood and would like to see stop signs or speed bumps installed.

Rich Mazur, 1308 Pleasant Acres Drive, Evans, CO, is also concerned about the speeding in his neighborhood near Darrell Road and would like to see stop signs or speed bumps installed.

Robert Allison, 3133 39<sup>th</sup> Avenue, Evans, CO, is also concerned about the speeding in the neighborhood and would like to see stop signs or speed bumps installed.

Pat Kelly, 3129 39<sup>th</sup> Avenue, Evans, CO, is also concerned about the speeding in the neighborhood and would like to see stop signs or speed bumps installed.

Mayor Rudy thanked the residents for bringing the speeding/traffic issue to Council's attention and will speak with staff regarding possible resolutions. He asked the residents to attend the next Council meeting on August 17, 2021 to receive an update on the issue.

### APPROVAL OF AGENDA

Mayor Pro-Tem Clark amended the agenda to add the executive session that was scheduled for the August 2, 2021 Special Meeting that did not occur.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the agenda as amended. The motion passed with all voting in favor thereof.

### CONSENT AGENDA

3. Approval of the July 20, 2021 City Council Meeting Minutes

Mayor Pro-Tem Clark made the motion, seconded by Council Member Castle to approve the consent agenda as presented. The motion passed with all voting in favor thereof.

### OLD BUSINESS

4. Public Hearing: Consideration of Ordinance Number 747-21, Repealing and Replacing Chapter 15.20 of the Evans Municipal Code - The National Electrical Code (NEC) – 2nd Reading

Mayor Rudy opened the public hearing at 7:32 p.m.

Mr. Becklenberg reviewed the item as detailed in the agenda packet. No changes have been made to the Ordinance since Council considered and approved this Code amendment on first reading on July 20, 2021.

Mayor Pro-Tem Clark advised that he was not in attendance at the prior meeting and would abstain from voting.

Mayor Rudy asked if there was anyone in the audience wishing to speak in favor of the proposed ordinance. There were none.

Mayor Rudy asked if there was anyone in the audience wishing to speak in opposition of the proposed ordinance. There were none.

Mayor Rudy closed the public hearing at 7:33 p.m.

Council Member Johnson made the motion, seconded by Council Member Neal to approve Ordinance Number 747-21 on second reading. The motion passed 6-0, 1 Abstention.

#### NEW BUSINESS

5. Public Hearing: Consideration of Ordinance Number 748-21 Amending the 2021 Budget – 1st Reading

Mayor Rudy opened the public hearing at 7:34 p.m.

Mr. Becklenberg reviewed the item as detailed in the agenda packet. He then turned the meeting over to Jacque Troudt, Finance Director.

Jacque Troudt provided an overview of the proposed budget amendments. Ordinance Number 748-21 is the first revision of the 2021 Operating and Capital Budget. The original 2021 budget was approved by Ordinance Number 730-20 on October 20, 2020. Finance Committee reviewed the proposed budget revision items on July 1, 2021 and the City Council also reviewed this information at a work session on July 6, 2021 and directed staff to present the budget revision for adoption.

Mayor Rudy asked if there was anyone in the audience wishing to speak in favor of the proposed ordinance. There were none.

Mayor Rudy asked if there was anyone in the audience wishing to speak in opposition of the proposed ordinance. There were none.

Council Member Speer confirmed with staff that there have been no changes to the budget revisions since the work session.

Mayor Rudy closed the public hearing at 7:38 p.m.



Mayor Pro-Tem Clark stated it is straightforward as discussed in the work session and he is in favor of it.

Mayor Rudy is also in favor of it.

Council Member Castle made the motion, seconded by Council Member Johnson to approve Ordinance Number 748-21 on first reading. The motion passed with all voting in favor thereof.

6. Consideration of Resolution Number 19-2021 Authorizing a TABOR Election on November 2, 2021 and Setting the Ballot Language

Mr. Becklenberg reviewed the item as detailed in the agenda packet. At the July 20, 2021 Regular Meeting, Council approved Resolution Number 17-2021 to enter into an Intergovernmental Agreement with Weld County to participate in the November 2, 2021 Coordinated Election. As required by state law, the City Council must pass an ordinance or resolution setting the ballot question language in order to place a TABOR question on the ballot. The deadline as set by Weld County is September 3, 2021 Per City Council direction and advice from legal counsel, the recommend ballot question language is contained in the staff report.

Council Member Speer believes that the language should include the cost of designing the Police Facility as well. Mayor Pro-Tem Clark and Council Member Castle agree. Council Member Speer is also hesitant on the use of the term “operating” as the voters may interpret that to mean financing the police staff.

Mayor Rudy asked Scott Krob, City Attorney, if the design would fall under the criteria listed. Scott Krob replied that he would confer with bond counsel but believes that financing the cost of constructing would include the design. He will go back to bond counsel to ensure that the language would include the cost of designing as well as being clear that “operating” means maintaining the facility and not salaries.

Council Member Castle believes that looking ahead to future capital improvements at the police facility could be captured by stating “maintaining ongoing operations”, or something similar.

Council Member Johnson also believes that “operating” may raise questions. She believes that the wording should be in a form that is okay with TABOR.

Mayor Rudy confirmed with staff that they have until September 3, 2021 to submit the ballot language to the County and asked for a motion to Table this item until the next meeting.

Council Member Speer made the motion, seconded by Mayor Pro-Temp Clark to Table Resolution Number 19-2021 as presented until August 17, 2021. The motion passed with all voting in favor thereof.

7. Public Hearing: Consideration of New Brew Pub Liquor License for Brix Brewery LLC dba Brix Brewery and Taphouse at 3940 Carson Ave., Evans

Mayor Rudy opened the public hearing at 7:47 p.m.

Mr. Becklenberg reviewed the item as detailed in the agenda packet. Brix Brewery and Taphouse submitted a liquor license application for consideration of a Brew Pub Liquor License to manufacture malt beverages and other brew pub activities on the premises. The City has not yet received the background reports that normally accompany the packet for Council's consideration. Therefore, staff recommends continuing the public hearing until August 17, 2021.

Mayor Rudy asked if there was anyone in the audience wishing to speak in favor of the application. Tom Dyer, Brix Brewery, explained that they filled out the wrong paperwork for the background checks, which has now been rectified. He looks forward to bringing this business to the City of Evans.

Mayor Rudy asked if there was anyone in the audience wishing to speak in opposition of the application. There were none.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to continue the Public Hearing for the liquor license application made by Brix Brewery LLC dba Brix Brewery and Taphouse to August 17, 2021. The motion passed with all voting in favor thereof.

8. Consideration of Resolution Number 18-2021 in support of the Division of Local Affairs Energy/Mineral Impact Assistance Fund Grant for the Land Use Code Update

Mr. Becklenberg reviewed the item as detailed in the agenda packet. The Division of Local Affairs (DOLA) has published its 2021/2022 Energy/Mineral Impact Assistance Fund grant program instructions. This fund was created to assist communities that are socially and/or economically impacted by the development, processing, or energy conversion of minerals and mineral fuels. Grant funds are awarded for planning, design, construction and maintenance of public facilities and some services. Staff has been coordinating with DOLA representatives for several months regarding the request. The final application package for a Tier I grant is due before September 3, 2021. The grant cycle opened on August 2, 2021. Staff recommends City Council approve Resolution 18-2021 in support of the DOLA Energy and Mineral Impact Assistance Fund grant application and budget allocation of up to \$45,000 each year for the years 2022 and 2023 to fund the local match required to update the City's Land Use Code.

Mayor Pro-Tem Clark believes that the City will be awarded the grant and that the City has a great grant-writing team.

Council Member Mortenson made the motion, seconded by Council Member Neal to adopt Resolution Number 18-2021 in support of the Energy/Mineral Impact Assistance Fund grant



application and to support budget allocation for a local match in the amount of up to \$90,000 divided between 2022 and 2023 to fund the update to the Land Use Code to reflect the vision, values and strategies established in the Master Plan update. The motion passed with all voting in favor thereof.

#### 9. Consideration of Master Service Agreement for On-Call Traffic Engineering Services

Mr. Becklenberg reviewed the item as detailed in the agenda packet. He then turned the meeting over to Mark Oberschmidt, City Engineer.

Mark Oberschmidt provided an overview of the proposed agreement. The Engineering division does not have a traffic engineer on staff and as such has relied on outside consultants to perform traffic engineering duties on City projects and to assist with the traffic engineering aspects involved with development review. The City has relied on traffic engineering consulting services from different firms on a case-by-case basis, but there is value in consistency and having a firm that is readily available with a good understanding of the Evans land use code, engineering standards and traffic patterns. Therefore, staff is recommending having a traffic engineering consultant on call to engineer and evaluate capital improvement projects, review the traffic impacts of private development projects and help resolve intersection and traffic signal operation issues to facilitate traffic flow throughout Evans. If this Master Service Agreement is approved, the City will work with the selected consultant to create an agreed-upon scope and fee for each task order. Task orders will be associated with specific project budgets where Traffic Engineering Services are required. If a single task order exceeds the City Manager's authorized spending limit of \$50,000 staff will bring it back to City Council for approval. Additionally, if annual professional services provided by the consultant exceed \$50,000, Staff will report this to City Council. Staff will track and report the costs associated with these services. This contract is written to be renewable annually for up to five (5) years depending on performance and the approval of the City for each annual extension.

Council Member Johnson thinks this is great idea, especially after the comments made by the residents that are currently affected in Ashcroft Heights. Having a consultant like this to ensure that areas are not overlooked during planning of future developments is needed.

Mayor Rudy is in favor of the agreement and asked staff to have the consultant look into the issues within Ashcroft Heights.

Council Member Neal has seen the recommendations that this consultant has made, which have been implemented in Fort Collins and he is in favor of the agreement.

Council Member Speer made the motion, seconded by Council Member Neal to award the Master Service Agreement for On-Call Traffic Engineering Services to Next Phase Engineering in the not to exceed amount of \$50,000 and authorize the Mayor to sign the Master Service Agreement. The motion passed with all voting in favor thereof.

#### 10. Consideration of Master Service Agreement for On-Call Geotechnical Services

Mr. Becklenberg reviewed the item as detailed in the agenda packet. He then turned the meeting over to Mark Oberschmidt, City Engineer.

Mark Oberschmidt provided an overview of the proposed agreement. Almost all capital construction projects that Evans undertakes require geotechnical and materials testing to ensure that project specifications are being met. Rather than continuing to put out an RFP to solicit a testing contractor for each individual project, staff recommends having an on-call testing consultant to perform this work. That will help ensure consistency and greater familiarity with Evans engineering standards. City Engineering staff members have worked with Terracon in the past both with the City of Evans and with previous firms and municipalities. Terracon is a very professional firm that has been in northern Colorado for decades and has a local presence with an office here in the Evans Industrial Park. Similar to the previous contract, if the spending authorization limit of \$50,000, staff will bring it to City Council for approval. Except for very large projects such as the multi-year 37th Street widening project, it is not anticipated that fees for a single task order will exceed \$50,000. This contract is written to be renewable annually for up to five (5) years depending on performance and the approval of the City for each annual extension.

Council Member Johnson appreciates the proactive approach that the City is taking.

Council Member Speer asked staff if Terracon has an office located within the City. Mark Oberschmidt confirmed that Terracon has set up an office and lab within the City.

Council Member Neal is pleased with the agreement.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Castle to award the Master Service Agreement for On-Call Professional Geotechnical Testing Services to Terracon in the not to exceed amount of \$50,000 and authorize the Mayor to sign the Master Service Agreement. The motion passed with all voting in favor thereof.

## REPORTS

### 11. City Manager

Mr. Becklenberg reminded Council of the upcoming National Night Out and he is pleased with the use the party trailer is getting by residents.

### 12. City Attorney

Scott Krob, City Attorney, noted that since there was not enough time to conduct the Special Meeting, the Executive Session from that meeting has been added to this agenda.

## AUDIENCE PARTICIPATION (general comments)

There was no audience participation.



## EXECUTIVE SESSION

13. To discuss possible acquisition of interests by the City of Evans in certain real property and to discuss possible negotiations and instruct negotiators in connection with such acquisition, pursuant to C.R.S. Sections 24-6-402(4)(a) and (b)
14. To receive advice from the City Attorney on specific legal questions related to enforcement of the City's business license and other related City code provisions, pursuant to C.R.S. Section 24-6-402(4)(b)
15. To receive advice from the City attorney on specific legal questions related to the City's wastewater treatment plant, pursuant to C.R.S. Section 24-6-402(4)(b)

Mayor Pro-Tem Clark made the motion, seconded by Council Member Castle to move into Executive Session at 8:10 p.m. to discuss possible acquisition of interests by the City of Evans in certain real property and to discuss possible negotiations and instruct negotiators in connection with such acquisition, to receive advice from the City Attorney on specific legal questions related to enforcement of the City's business license and other related City code provisions and to receive advice from the City attorney on specific legal questions related to the City's wastewater treatment plant, pursuant to C.R.S. Sections 24-6-402(a) and (b). The motion passed with all voting in favor thereof.

The meeting reconvened at 9:16 p.m.

Scott Krob noted for the record that the executive session that Council concluded was within the scope of the statute and that he was present for the duration of the discussion, so the discussion is subject to the attorney client privilege.

## ADJOURNMENT

The meeting was adjourned at 9:16 p.m.

  
City Clerk



### **CITY OF EVANS – MISSION STATEMENT**

**“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”**

It is the policy of the City of Evans that all programs and activities shall be accessible to, and usable by, persons with disabilities. Persons needing assistance shall contact the Safety & Risk Management Manager at the City of Evans. Please provide three to five business day's advance notice so we can adequately meet your needs.